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EESI Newsletter, no. 1, June 2007

Energy & Environmental Security Initiative (University of Colorado Boulder)

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EESI: THE ENERGY & ENVIRONMENTAL SECURITY INITIATIVE
[NEWSLETTER], no. 1, June 2007 (Energy & Envtl.
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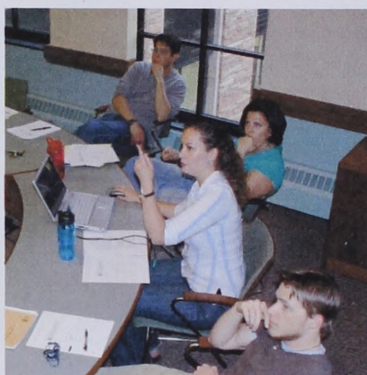
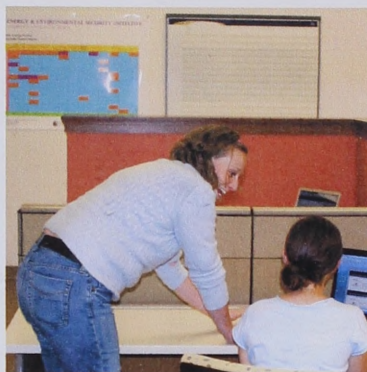
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EESI is pleased to introduce our bi-monthly newsletter

Please look for the next issue in your inbox in August

EESI

the energy & environmental security initiative



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House Bill-1203 Selects EESI for Colorado Energy Profile

Kevin Doran

On May 23, 2007, Governor Bill Ritter signed into law House Bill 1203, entitled "Energy Management and Conservation Studies." Introduced by Representative Randy Fischer and Senator Chris Romer, the bill calls on EESI to create a Colorado Energy Profile that will provide "up-to-date and comprehensive statistics, data, and policy-neutral analysis concerning Colorado's current and projected future energy resources." Commenting on HB-1203 and other related energy bills, Governor Ritter remarked: "These bills are important building blocks as we continue to establish Colorado as a national leader in renewable energy." Representing the University of Colorado and EESI at the signing ceremony were Dean David Getches; Assistant Dean Lorenzo Trujillo; EESI Director Dr. Lakshman Guruswamy, EESI Senior Research Fellow Kevin Doran, and EESI Research Associate Katherine Peters.

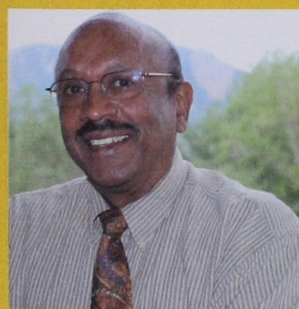
Decision-makers in Colorado—ranging from ordinary citizens, commuters, farmers, legislators, business people, and public servants—face important questions. Should we promote the development of Colorado's oil shale resources?

See HB-1203, Page 2



Governor Ritter signs HB-1203

Photo courtesy of Rocky Mountain Farmers Union



Dr. Lakshman Guruswamy

Mariah Zebrowski

Born in Sri Lanka, Dr. Lakshman Guruswamy is the Nicholas Doman Professor of International Environmental Law and the Director of the Energy & Environmental Security Initiative at the University of Colorado Law School. Guruswamy has taught in Sri Lanka, the United Kingdom, at the University of Iowa, and at the University of Arizona. He has been teaching international environmental law and policy, energy insecurity and sustainable energy, and oil and international relations at the University of Colorado since 2001.

See Guruswamy, Page 3

Heading Photos from Left to Right: Top - Paris Lumb & Margaret Enfinger. Bottom - Kevin Doran, Victoria Ravenscroft, Katherine Peters, & Eli Quinn

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HB-1203:



From Left to Right: EESI Director Dr. Lakshman Guruswamy, Colorado Law Dean David Getches, Representative Randy Fischer, Director of Governor's Energy Office Tom Plant at the HB-1203 Signing Ceremony

Should we continue to promote conventional coal-fired power plants over such alternatives as IGCC facilities? How do we formulate energy strategies that meet the targets set by the State's Renewable Portfolio Standard (20% by 2020 for investor-owned utilities) while simultaneously creating the foundations for moving toward more ambitious standards?

Pursuant to HB-1203, the Colorado Energy Profile will lay the informational foundations needed to chart a course that will maximize Colorado's extraordinary potential for conventional, renewable, and advanced energy resources

increased carbon dioxide and other emissions, and unforeseen inadequacies in electricity generation and distribution infrastructure. Under EESI's direction, the project will create a database of Colorado energy information that will guide and facilitate informed answers to such questions.

At present there is no single resource that endeavors to offer a comprehensive picture of energy in Colorado. While numerous governmental, corporate, academic, and other entities generate varying types of information with respect to energy in Colorado, the scattered nature of this information makes it extremely difficult to arrive at a comprehensive (or, for that matter, sectoral) understanding of energy in Colorado—encompassing all the relevant aspects of energy supply, production, generation, transmission, distribution and consumption. The Colorado Energy Profile will remedy this informational deficit by providing the State with detailed, up-to-date, policy-neutral statistics and data regarding Colorado's energy resources.

The online database created by this project will contain up-to-date statistical information and other data on the supply, production, generation, transmission, distribution, and consumption of energy in Colorado. The structure of the database will be designed to enable users to easily generate detailed "reports" and "snapshots" of given sectors or energy resource areas, and also to produce user-defined comparative evaluations of the information contained in the database. EESI will also generate a companion report to the database. The report will provide Colorado decision-makers with an objective, easy to understand overview regarding the supply, production, generation, transmission, distribution, and consumption of energy in Colorado, as well as laws and policies that impact energy in Colorado.

History of EESI

Kevin Doran

The manner and extent to which increasing global energy demand can be met within the framework of sustainable development presents the greatest global environmental challenge of the 21st century. EESI is a response to this challenge.

Launched in 2003 by Professor Lakshman Guruswamy as an interdisciplinary research and policy center based at the University of Colorado Law School (Colorado Law), the purpose of EESI is to facilitate progress toward a global sustainable energy future through the innovative use of laws, policies, technology, and information solutions. To fulfill this purpose, EESI is designed to advance the research and pedagogical missions of Colorado Law by enhancing national and international knowledge concerning the impact of laws and policies on the scientific, engineering, sociopolitical, and commercial dimensions of sustainable energy.

EESI began in 2003 with the release of a white paper by Professor Lakshman Guruswamy and Senior Fellow Kevin Doran entitled, "A New Framework: Post-Kyoto Energy & Environmental Security." In the paper, Guruswamy and Doran set forth the rationale for moving toward a new understanding of the energy crisis—one based on an interdisciplinary, systems-based perspective.



See History, Page 4

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Guruswamy:

Guruswamy's present research is focused on sustainable energy and its environmental interface, exploring issues of environmental and energy law, policy, and implementation.



Guruswamy discovered his enthusiasm for environmental law in the nets of a Sri Lankan shrimp fisherman in the late seventies. Near his farm in Sri Lanka, where he was working on methods of sustainable farming, there was a lagoon, constantly dotted with fishermen's boats. Often, Guruswamy would stop and bargain with the fishermen to buy shrimp, straight out of the nets,

to cook for dinner. "These shrimp were so fresh they were still jumping," recalls Guruswamy. "They were like nothing you have ever tasted."

However, as the seasons passed, Guruswamy realized that the boats on the lagoon were disappearing, until one day they were completely gone. After some investigation, he discovered that a nearby paper mill was discharging untreated effluent directly into the lagoon. The pollution had decimated the fish and shrimp population, as well as the livelihoods of the local fishermen. Concerned, Guruswamy went into the village to talk to the fishermen, but most were convinced there was nothing they could do about their bad fate. Eventually, Guruswamy convinced them to file suit against the paper mill despite the existence of a statute giving government corporations a blanket exemption from tort claims of any kind.

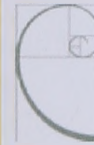
He believed there might be a way of having the statute declared unconstitutional, as he had successfully done in a different context, and failing this hoped to direct attention to how pollution destroyed ecosystems and livelihoods. He prepared arguments about the massive amount of harm being created by the pollution, both on the environment and the lives of villagers, hoping at the very least to create a public outcry. However, the judge essentially told Guruswamy not to waste his time, and little public interest was generated.

But even this disappointment did not discourage Guruswamy from his interest in trying to protect the environment. He used his frustration as an impetus to go to England to study, eventually earning his Ph.D. in International Environmental Law. During his studies, he realized that energy was truly the over-arching environmental issue, encompassing all other issues and desperately requiring a sustainable solution.

Today, Dr. Guruswamy will speak passionately about the issue of sustainable energy to anyone who will listen. He is a frequent speaker at scholarly meetings in the United States and abroad. EESI is extremely lucky to have Dr. Guruswamy's experience and expertise as a resource in our endeavor to facilitate progress toward a global sustainable energy future through the innovative use of laws, policies and technology solutions.

Our Generous Sponsors

The Argosy Foundation



ARGOSY FOUNDATION

The Argosy Foundation is a private family foundation founded in 1997 by John Abele, co-founder of Boston Scientific. Their logo represents the nautilus shell, one of many shapes found in nature that depicts the Fibonacci series, a number series that has the unique property of dynamic symmetry. As the nautilus shell grows, it does so in perfect proportionality, achieving balance from change. This serves as a symbol of the Argosy Foundation's search for the best possible, most elegant and efficient solutions to the challenges that affect our world.

The Renewable Energy and Energy Efficiency Partnership



renewable
energy
& energy
efficiency
partnership

REEEP is a global public-private partnership that structures policy and regulatory initiatives for clean energy, and facilitates financing for energy projects. Conceived at the Johannesburg World Summit on Sustainable Development in 2002, REEEP's goal is to accelerate the integration of renewable sources of energy into the global energy mix and to advocate energy efficiency as a path to improved energy security and reduced carbon emissions, ensuring social, economic and environmental benefits.

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History:

"What we set out to do," explains Doran, "is to develop a center dedicated to creating legal and policy solutions to energy and environmental issues that are informed by the very environments and processes they're meant to deal with." In 2007 EESI has grown to a group of almost 20 researchers—composed of EESI faculty, professional staff, and law students. Working at international, national, local levels, EESI researchers provide decision-makers with an interdisciplinary, law and policy-based understanding of energy security and climate change issues.

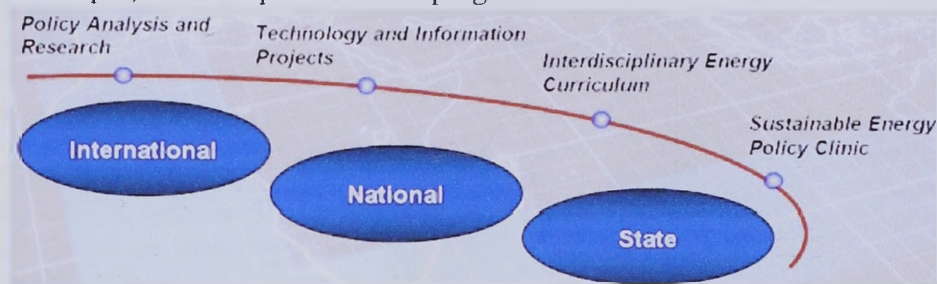
Traditionally, national security has been associated with armed aggression and the ability to thwart military invasions or subversion. More contemporary concepts of security include critical threats to vital national and international support systems such as the economy, energy, and the environment. In this context, the increasing reliance on hydrocarbons has created energy, environmental, and economic insecurity.

Throughout the world, energy economies are undergoing major changes. Old systems of regulation are being supplanted by new policies. Scientific and technological advances, along with wildly fluctuating markets, are calling into question the strategic reliability of long-range industry plans. Older firms are merging and consolidating across traditional sectoral boundaries to meet the competition posed by new entrants to the energy industry. Developments in the environmental sciences identify new and increasingly complex issues, such as global climate change, that significantly impact the energy industries.

See History, Page 5

Projects in Progress

This inaugural issue contains a brief overview of all current EESI projects. Subsequent issues of EESI News will provide detailed profiles of individual projects and updates on our progress.



International Focus

International Project on Energy Commitments and Compliance

With support from the Argosy Foundation (see *Our Generous Sponsors*, Page 3), IPECC plans to use an innovative collaborative online monitoring system to create a global network of expert participants dedicated to monitoring and improving actions taken worldwide by governments, corporations, and other entities pursuant to existing sustainable energy commitments. Project information, analysis, and recommendations will also be made freely available to the public.



International Sustainable Energy Assessment

With support from the Renewable Energy & Energy Efficiency Partnership (REEEP) (see *Our Generous Sponsors*, Page 3), ISEA will create an online, searchable, and freely accessible database of bilateral and multilateral international energy agreements currently in force. The database will include analysis of the implementation and impact of these agreements. ISEA will provide decision-makers, academics, industry personnel, researchers, and students with an invaluable tool for understanding the current and potential impact of international agreements on the attainment of a sustainable energy future.

International Energy Law & Renewable Energy Markets

EESI is assisting the Renewable Energy and International Law Project (REIL) in developing a comprehensive account of the extent to which international law can and should be used as a tool for expanding the use of renewable energy.

Dr. Lakshman Guruswamy and Kevin Doran have co-authored a paper investigating the effectiveness and impact of international energy treaties, which will be published by Yale University later this summer. The full text of the article is available on the EESI Website.

See Projects, Page 5



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Projects:

Sustainable Energy in West Bengal, India



In collaboration with major academic, industry, and government partners in West Bengal, India, this project seeks to develop a replicable template for building innovative renewable energy ventures to support the needs of poor rural communities in developing economies.

Sustainable Energy & Sri Lanka

In collaboration with several partners, EESI is assisting Sri Lanka in the creation of a strategic sustainable energy plan containing practicable measures to reduce Sri Lanka's reliance on foreign oil and gas.



National Focus

Presidential Climate Action Project

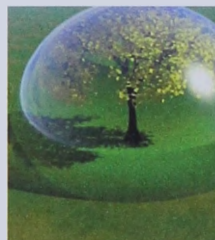


EESI is part of a national initiative to develop a bold and decisive climate action plan for the next President of the United States. A comprehensive assessment of proposals for federal policy changes dealing with climate change has already been completed. Currently, EESI is analyzing the feasibility of using of Executive Orders and Executive Agreements to address the issue of climate change.

Colorado-Specific Focus

Research on GHG Emissions Markets and Private Firm Activities: Opportunities and Risks for Colorado

Pursuant to a grant from the Colorado General Assembly, EESI recently completed an analysis of emerging international and domestic markets in greenhouse gas emissions and activities by private firms to reduce such emissions, with particular focus on economic opportunities and risks for Colorado. The full report, as presented to the Colorado legislature, is available on the EESI Website.



Colorado Energy Profile and Strategic Energy Plan



House Bill-1203, recently signed by Governor Ritter (see Page 1) selects EESI to create a Colorado Energy Profile, which will provide detailed energy statistics, projections and analysis for Colorado focused on several different areas related to energy. The Profile will also contain a section devoted to assisting in the creation of a Colorado Strategic Energy Plan to serve as a blueprint for achieving a clean energy future for Colorado.

See Projects, Page 6

History:

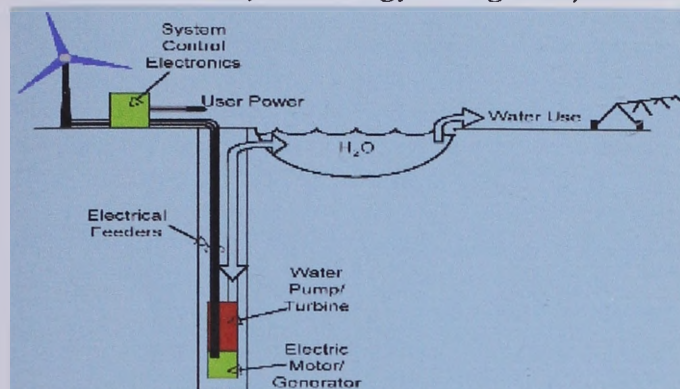
If the global community of nations is to navigate a course between the Scylla of global warming and the Charybdis of increasingly tight energy markets, extraordinary amounts of clean and affordable energy will need to be developed and deployed. Innovative laws and policies at all geographic and governmental levels will need to play an essential role in this process; and existing laws and policies will need to be substantially reconfigured.

What is needed is a long-term research effort to systematically analyze and improve the impact of laws and policies on the attainment of a sustainable energy future. Colorado Law has responded to this challenge with EESI. EESI serves as an enabling environment for teaching and research into the impact of laws and policies on the scientific, engineering, sociopolitical, and commercial dimensions of sustainable energy. In concert with the Byron R. White Center for the Study of American Constitutional Law, the Natural Resources Law Center, the Silicon Flatirons Telecommunications Program, and the Entrepreneurial Law Center, EESI continues Colorado Law tradition of superb scholarship and teaching.

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Projects:

The Colorado Hydro-Energy Storage Project



Using a unique interdisciplinary approach, a legal team from EESI is working with an engineering team from the CU-Boulder College of Engineering, the Colorado School of Mines, and NREL staff to develop the hydro-energy storage concept to mitigate the intermittence of wind and solar energy generation. The concept uses excess energy from renewable sources to pump water to higher elevations. When there is an excess of demand over supply, the water is allowed to flow down, using the force of gravity, through a turbine to generate power.

Educational and Academic Focus

Interdisciplinary Energy Law Curriculum



With input from the Dean's Office and law school faculty, EESI is working to significantly strengthen and expand Colorado Law's present curricular offerings in the domain of energy law and policy.

EESI Sustainable Energy Policy Clinic



EESI is in the process of creating a Sustainable Energy Policy Clinic at Colorado Law to provide students with a hands-on opportunity to understand the complex technological and policy mechanisms involved in creating and maintaining U.S. and international energy economies.

EESI Symposia and Workshops

Once every three years, EESI plans to convene a major conference dealing with sustainable energy law and policy. The first, scheduled for Fall 2007, is entitled "Sustainable Energy in the Domain of International Treaties." During the intervening two years, EESI will host workshops of

Students Give Energy to EESI

Mariah Zebrowski

EESI is designed to facilitate progress toward a global sustainable energy future, but it is energy from students that sustains EESI. From first-year law students who donate time during their stressful initiation to the world of law, to law students employed as research assistants or working as externs, to students from other schools who volunteer during the summer, these dedicated students comprise an integral and valued part of EESI.

Some of these students grew up in Colorado, while others come from California, New York, Iowa, or Florida. Some graduated from the University of Colorado at Boulder or Colorado State, while others graduated from George Washington University, Princeton, or Oxford. Several already hold graduate degrees from Columbia, the University of California Irvine, Harvard, Stanford or the University of Colorado. Despite the differences in their backgrounds, these students all have one thing in common: they care about the future of energy and the environment.

See Students, Page 7



From Left to Right: Katherine Peters, Margaret Enfinger, and Paris Lumb in the EESI Office

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Students:

Doug Vilsack, an EESI extern from Iowa about to start his third year of law school, believes that energy is an important environmental issue "because everybody wants more, some people don't have any, and the easiest way to make money from it is to produce it so that the people who don't have any bear the burden." Kristen Cunningham, who just finished her first year at Colorado Law while working as a volunteer for EESI, adds, "Energy not only fuels our cars and lights our homes, it fuels our global economy and has the potential to exacerbate or ameliorate the world's climate crisis." Margaret Enfinger, a summer volunteer who just finished her first year at the University of Alabama School of Law, says she wanted to contribute to EESI "because it is a Center that has hope for a better future and is actually doing something about it. The research does not benefit a certain established or elite group, but provides better opportunities for all populations."

Students are highly involved in a wide spectrum of critical EESI activities. Victoria Ravenscroft, a research assistant from Colorado about to start her third year of law school, is the lead analyst on the ISEA project, in charge of managing the global database of international treaties (see *Projects in Progress*). Many of the students involved in EESI are working directly on this project, analyzing bilateral and multilateral treaties and inputting the information into the database. Adam Reed, a research assistant from Florida also about to start his third year of law school, was involved in creating an online portal for Colorado-specific energy data, with a visual data quality matrix to show the Colorado Legislature where information was lacking. Katherine Peters, who holds a Masters in Physics and Philosophy from Colombia and just finished a Masters in Logic and Philosophy of Science from University of California Irvine, is currently volunteering with EESI planning the website and writing press releases for the IPECC project. Students also conduct research and draft reports, and several played a major role in completing the recent GHG Emissions Markets Report. In addition, students are responsible for organizing speakers and events, as well as designing and launching this newsletter.

Although students contribute large amounts of their energy to EESI, they also gain a great deal in return. "My favorite project was the GHG Emissions Markets Report," Cunningham recalls, "because I not only learned a lot about research, I also learned a lot about how Colorado businesses are responding to the growing need for carbon reduction." According to Vilsack, "Working with EESI helps me to better understand the energy issue and its legal ramifications, as well as providing a chance to hone my research skills." Reed sums everything up when he says, "EESI provides its volunteers and assistants with an experience that is unique and broadening. But honestly, none of this important-sounding stuff would keep me around if I didn't enjoy the company of all our volunteers and researchers so much. It's a sharp and talented group that keeps its feet on the ground. And I'm proud to be a part of it."



From Left to Right: Katherine Peters, Jen Dill, Eli Quinn, Margaret Enfinger, and Leah Carlson at the EESI Weekly Meeting

Upcoming Events

Please see our website for more details.

Monday, July 2nd at 6pm

Envisioning Energy

Speakers: House Majority Leader Alice Madden, Director of the CO Governor's Energy Office Tom Plant, Executive Director of the CO Department of Health and Environment Jim Martin & British Consul in Denver Kevin Lynch

Wednesday, August 1st at 6pm

Distinguished EESI Lecture:

Creating the Permanent Energy Revolution

Speaker: Dr. Marty Hoffert, Professor Emeritus of Physics at NYU

Questions? Comments?
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